IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Rory L. Block et al.	Examiner: Paul D'Agostino	
Serial No.:	10/629,110	Group Art Unit: 3714	
Filed:	July 29, 2003	Docket No.: 1842.224US1	
Customer No.: 70648		Confirmation No.: 6981	
Title:	GAMING TERMINAL NETWORK WITH A MESSAGE DIRECTOR		

REPLY BRIEF UNDER 37 CFR § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

This Reply is presented in response to the Examiner's Answer, (hereinafter the "Answer") dated December 28, 2009, which was sent in answer to Appellants' Appeal Brief, filed on June 1, 2009. Appellants' Appeal Brief was filed in response to the rejection of claims 1-18 of the above-identified application.

Please charge any required additional fees or credit overpayment to Deposit Account 19-0743.

REPLY

Reply to Examiner's Answer (10) Response to Argument:

Appellant has reviewed the Answer and believes that the statements in the original Appeal Brief remain accurate and compelling. Appellant provides the remarks below to address issues raised in the Answer.

1. Appellant first notes that the Examiner has eliminated the § 103 basis for rejection of these claims, and instead relies solely on a § 102 basis.[1] In view of this, Appellant respectfully restates the standard for anticipation: a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.[2] Moreover, "[i]n determining that quantum of prior art disclosure which is necessary to declare an applicant's invention 'not novel' or 'anticipated' within section 102, the stated test is whether a reference contains an 'enabling disclosure'... ."[3] The disclosure in an assertedly anticipating reference must provide an enabling disclosure of the desired subject matter; mere naming or description of the subject matter is insufficient, if it cannot be produced without undue experimentation.[4] A reference contains an "enabling disclosure" if the public was in possession of the claimed invention before the date of invention. "Such possession is effected if one of ordinary skill in the art could have combined the publication's description of the invention with his [or her] own knowledge to make the claimed invention."[5]

The Answer at page 13 contends:

> Contrary to Appellant's assertion that Acres refers generally to routing messages, Acres discloses a "packet format table" association structure (FIG. 31) where "Each unidirectional connection in the functional block diagram is

[1] Examiner's Answer (6) Grounds of Rejection to be Reviewed on Appeal.
[2] *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); M.P.E.P § 2131.
[3] *In re Hoeksema,* 399 F.2d 269, 158 USPQ 596 (CCPA 1968); *see also* M.P.E.P. § 2121.01.
[4] *Elan Pharm., Inc. v. Mayo Found. For Med. Educ. & Research*, 346 F.3d 1051, 1054, 68 USPQ2d 1373, 1376 (Fed. Cir. 2003) (At issue was whether a prior art reference enabled one of ordinary skill in the art to produce Elan's claimed transgenic mouse without undue experimentation. Without a disclosure enabling one skilled in the art to produce a transgenic mouse without undue experimentation, the reference would not be applicable as prior art.).
[5] *In re Donohue*, 766 F.2d 531, 226 USPQ 619 (Fed. Cir. 1985).

> labeled with one or more alphabetic characters corresponding to a row in the packet format table. The packet's type [sic, of event], source [sic, machine or location], and destination [sic, queue identifier], name and description are set forth in each column of the packet format table." (Col. 27 Lines 53-60). The packet format tables are association data structures wherein, according to Applicant, the association data structure comprise "routing tables" which "store configuration information relating to event messages and the application message queues to which they are routed" (Applicant's Specification, page 13)..

Appellant has reviewed Acres and cannot find any description of how a "packet format table" is used. The descriptions of FIGS. 31-34 appear to be substantially similar and the most instructive with respect to a "packet format table." For examples, the description of FIG. 31 states:

> Each unidirectional connection in the functional block diagram is labeled with one or more alphabetic characters corresponding to a row in the packet format table. The packet's type, source and destination, name and description are set forth in each column of the packet format table.[6]

It is important to note that there is no other description of a "packet format table" or its use in Acres. One could conjecture that Acres' "packet format table" is merely a table of known or acceptable packet formats used in Acres' system. This would merely be conjecture as any actual use of the packet format table is not disclosed in Acres.

As a point of reference, Acres refers to message routing when describing FIG. 36, which states in part:

> FIG. 36 shows a flow diagram of a routine for controlling a message receipt from the network using RRM 373 as shown in FIG. 35. The routine identifies and decodes incoming messages and routes them to the appropriate event manager. Blocks 392-394 form an infinite processing loop that is performed whenever a new message (event) is received into the message queue 372. During each iteration of the loop (blocks 392-394), each new message is received and decoded (block 392). If the message is addressed to the particular bonus server 370 (block 393), the message is routed to the appropriate event manager (CSM 380, BCM 378 or MCM 376) (block 394). Otherwise, the message is ignored.[7]

---

[6] *Acres* at col. 27, lines 56-60.
[7] *Acres* at col. 31, line 50 to col. 32, line 5.

As illustrated, Acres appears to use the message itself for determining the message's destination. This would be in contradiction to the Examiner's asserted correlation between Acres' "packet format table" and Appellant's claimed "association data structure." As such, Appellant maintains that is clear that Acres does not disclose "identifying, using an association data structure, a first application queue associated with a first application configured to process the primary event message," as recited in claim 1 and similarly recited in claims 8-10, 15, and 18.

CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (612) 371-2134 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2134

Date 1 Mar 2010 By /John I. Fischer/

John I. Fischer
Reg. No. 60,900

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: , Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 1 day of February, 2010.

Zhakalazky M.; Carrion
Name

/e.Zhakalazky Carrion/
Signature